

COPELAND  
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September 10, 2015

Via MEC Filing

The Honorable Muriel Ellis, Clerk  
Supreme Court of Mississippi  
450 High Street  
Jackson, Mississippi 39201

*Re: Wellness, Inc. v. Pearl River County Hosp.*, No. 2014-CA-01696-SCT

Dear Ms. Ellis:

Pursuant to M.R.A.P. 28(k), Pearl River County Hospital submits the following citation to a supplemental authority.

The Brief for Appellee refers at two points (pages 5 and 30) to the burden on Wellness, Inc., as the party invoking arbitration, to prove the existence of an agreement to arbitrate.

The Hospital submits for this Court's consideration its unanimous decision in *Trinity Mission Health & Rehab of Holly Springs, LLC v. Lawrence*, 19 So. 3d 647, 651–52 (Miss. 2009), holding that the burden of proof is on the party invoking arbitration to prove that an agreement to arbitrate was entered into by the parties.

We thank the Court for its attention to this letter.

Sincerely yours,

COPELAND, COOK, TAYLOR & BUSH, P.A.

s/ Andy Lowry  
Andy Lowry

cc: All counsel of record (via MEC)

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